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**IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE DISTRICT OF UTAH**

<p>TATUYOU, LLC, a Minnesota limited liability company,</p> <p>Plaintiff,</p> <p>v.</p> <p>SANIDERM MEDICAL, LLC, a Utah limited liability company,</p> <p>Defendant.</p>	<p>REPLY IN SUPPORT OF EX PARTE MOTION TO RECOGNIZE SERVICE OR TO GRANT ALTERNATIVE SERVICE</p> <p>Case No.: 2:19-cv-00633</p> <p>Judge: Clark Waddoups</p>
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Plaintiff, Tatuyou, LLC (“Tatuyou” or “Plaintiff”) hereby replies to Defendant Saniderm Medical, LLC’s (“Saniderm” or “Defendant”) *Opposition to Ex Parte Motion Motion to Recognize Service or Grant Alternative Service*.

Defendant suggests that it can unilaterally, at any time, avail itself of Rule 12(a)(1)(A)(ii) and 4(d) to obtain extra time for responding to a Complaint. This is not so. Rule 4(d) allows a defendant to waive service (and thereby get a 60-day response period) *upon request from the plaintiff*. Fed. R. Civ. P. 4(d)(1). But Plaintiff never requested waiver of service, and the waiver rule therefore does not apply.

Counsel’s appearance on behalf of Defendant confirms that Defendant is aware of service attempts and has been dodging service since Plaintiff began attempting service on September 7. Now

Defendant brazenly asks the Court to bless its service-dodging and grant—without any justification—sixty days to respond!

Plaintiff proposes the following as a resolution that would be fair and acceptable to Plaintiff:

- Defendant's response to Plaintiff's Complaint is due October 28, 2019—21 days after Defendant filed its *Opposition*. Fed. R. Civ. P. 12(a)(1)(A)(i).
- Defendant pays Plaintiff's costs and attorney fees for all efforts to effect service, including its *Motion to Recognize Service*.

DATED this 8th day of October, 2019.

STRONG & HANNI

/s/ Joseph Shapiro

Joseph Shapiro
Attorneys for Plaintiff Tatuyou, LLC

CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2019, the foregoing document was served on all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Joseph Shapiro
Joseph Shapiro